

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOHNNY M. HUNT, )  
v. )  
*Plaintiff,* ) No. 3:23-cv-00243  
SOUTHERN BAPTIST CONVENTION; ) JUDGE RICHARDSON  
GUIDEPOST SOLUTIONS LLC; and ) MAGISTRATE JUDGE FRENSELY  
EXECUTIVE COMMITTEE OF THE ) JURY DEMAND  
SOUTHERN BAPTIST CONVENTION, )  
*Defendants.* )

**THE EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION'S  
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND  
FOR FAILURE TO STATE CLAIMS FOR RELIEF**

Pursuant to Rule 12 of the Federal Rules of Civil Procedure and Local Rule 7.01, the defendant, the Executive Committee of the Southern Baptist Convention (the "EC") moves to dismiss the Complaint filed by the plaintiff, Johnny M. Hunt ("Hunt"), for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and for failure to state claims for relief pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. As grounds for this motion, the EC states as follows:

1. On March 17, 2023, Hunt filed the Complaint against the Southern Baptist Convention (the "SBC"), Guidepost Solutions LLC ("Guidepost"), and the EC alleging claims six claims: defamation/libel (Count I); defamation/libel per se (Count II); invasion of privacy/false light (Count III); intentional infliction of emotional distress (Count IV); negligent

infliction of emotional distress (Count V); and public disclosure of embarrassing private facts (Count VI). (*See generally* Doc. 1).<sup>1</sup>

2. The EC moves for dismissal on two, independent grounds.

3. First, the Court lacks subject matter jurisdiction under the ecclesiastical abstention doctrine because the alleged conduct involves questions of theological controversy, church discipline, ecclesiastical government, or the conformity of Southern Baptist Convention's cooperating churches to church doctrine.

4. Second, the Complaint fails to state claims for relief against the EC because it does not allege any plausible facts attributable to the EC. Even if it did, the claims for defamation, defamation per se, false light, and intentional infliction of emotional distress should be dismissed because Hunt is either a public figure or at least a limited-purpose public figure and there are no plausible allegations that the EC acted with actual malice. Even if Hunt is not a public figure or a limited-purpose public figure, all of his claims independently fail to state claims for relief.

## **CONCLUSION**

For these reasons and for the reasons set forth in the EC's contemporaneously filed memorandum of law, the Court should dismiss the Complaint for lack of subject matter jurisdiction. Alternatively, the Court should dismiss the Complaint for failure to state a claim.

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<sup>1</sup> This Court may consider the Complaint "and any exhibits attached thereto" on a motion to dismiss "so long as they materials are referred to in the Complaint and are central to the claims contained therein." *See e.g., Delauter v. Nissan Supplemental Exec. Ret. Plan II*, No. 3:20-cv-00609, 2021 WL 1530926, at \*3 (M.D. Tenn. Apr. 19, 2021) (Richardson, J.). Attached to the Complaint are six exhibits, four of which are central to Hunt's claims. (*See* Docs. 1-1, 1-2, 1-3, and 1-4).

Respectfully submitted,

*s/R. Brandon Bundren*

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E. Todd Presnell (BPR #17521)  
Scarlett Singleton Nokes (BPR #28994)  
R. Brandon Bundren (BPR #30985)  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 Division Street, Suite 700  
Nashville, Tennessee 37203  
P: 615.252.2355  
F: 615.252.6355  
tpresnell@bradley.com  
snokes@bradley.com  
bbundren@bradley.com

Gene R. Besen (*pro hac vice*)  
BRADLEY ARANT BOULT CUMMINGS LLP  
Fountain Place  
1445 Ross Ave., Suite 3600  
Dallas, Texas 75202  
P: 214.257.9800  
F: 214.939.8787  
gbesen@bradley.com

*Attorneys for the Executive Committee of the Southern  
Baptist Convention*

## **CERTIFICATE OF SERVICE**

I certify that on May 4, 2023, I electronically filed a true and correct copy of The Executive Committee of the Southern Baptist Convention's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State Claims for Relief with the Clerk of Court for the U.S. District Court Middle District of Tennessee through the Court's Electronic Case Filing System, which will automatically serve all counsel of record listed below:

Robert D. MacGill Scott E. Murray Patrick J. Sanders MacGill PC 156 E. Market Street, Suite 1200 Indianapolis, Indiana 46204 <a href="mailto:robert.macgill@macgilllaw.com">robert.macgill@macgilllaw.com</a> <a href="mailto:scott.murray@macgilllaw.com">scott.murray@macgilllaw.com</a> <a href="mailto:Patrick.sanders@macgilllaw.com">Patrick.sanders@macgilllaw.com</a>	John R. Jacobson Katherine R. Klein Riley & Jacobson, PLC 1906 West End Avenue Nashville, Tennessee 37203 <a href="mailto:jjacobson@rjfirm.com">jjacobson@rjfirm.com</a> <a href="mailto:kklein@rjfirm.com">kklein@rjfirm.com</a>
Todd G. Cole Andrew Goldstein Cole Law Group, P.C. 1648 Westgate Circle, Suite 301 Brentwood, Tennessee 37027 <a href="mailto:tcole@colelawgrouppc.com">tcole@colelawgrouppc.com</a> <a href="mailto:agoldstein@colelawgrouppc.com">agoldstein@colelawgrouppc.com</a>	Steven G. Mintz Terence W. McCormick Mintz & Gold LLP 600 Third Avenue, 25th Floor New York, New York 10016 <a href="mailto:mintz@mintzandgold.com">mintz@mintzandgold.com</a> <a href="mailto:mccormick@mintzandgold.com">mccormick@mintzandgold.com</a>
<i>Counsel for Plaintiff</i>	<i>Counsel for Guidepost Solutions, LLC</i>  L. Gino Marchetti, Jr. Matthew C. Pietsch Taylor, Pique, Marchetti & Blair, PLLC 2908 Poston Avenue Nashville, Tennessee 37203 <a href="mailto:gmarchetti@tpmblaw.com">gmarchetti@tpmblaw.com</a> <a href="mailto:matt@tpmblaw.com">matt@tpmblaw.com</a>

s/ R. Brandon Bundren

R. Brandon Bundren